

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT UN-ADOPTING AS WORKS OF THE DISTRICT THE C-1 CONNECTOR CANAL RIGHT OF WAY, PORTIONS OF THE GOLDEN GATE MAIN CANAL RIGHT OF WAY, AND PORTIONS OF THE MILLER CANAL RIGHT OF WAY, ALL LOCATED WITHIN THE BIG CYPRESS BASIN IN COLLIER COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution Nos. 93-33, 90-05, and 91-03 the C-1 Connector Canal, the Golden Gate Main Canal, and the Miller Canal rights of way; respectively, were adopted as "Works of the District" in accordance with Section 373.086, Florida Statutes; and

WHEREAS, the South Florida Water Management District (the District) and Collier County entered into a certain Cooperative Agreement dated October 13, 2000, designated by the District as Contract C-11759 (Canal Maintenance Agreement), which among other things provided that the District would be the public agency in Collier County, Florida generally responsible for the control, operation and maintenance of the canals described therein; and

WHEREAS, pursuant to the Third Amendment to the Canal Maintenance Agreement, the District and Collier County have agreed that the District would transfer all of its right, title, interest and control in the C-1 Connector Canal Right of Way, as well as portions of the Golden Gate Main Canal Right of Way and portions of the Miller Canal Right of Way, back to Collier County; and in connection therewith, the District would "Un-adopt" as "Works of the District" the C-1 Connector Canal Right of Way, as well as portions of the Golden Gate Main Canal Right of Way and portions of the Miller Canal Right of Way, upon which the C-1 Connector Canal Right of Way, as well as portions of the Golden Gate Main Canal Right of Way and portions of the Miller Canal Right of Way shall no longer be subject to the provisions of Chapter 40E-6 of the Florida Administrative Code, and the District shall no longer have jurisdictional authority over permitting and authorizing uses with respect thereto.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby un-adopts as a "Work of the District" the C-1 Connector Canal Right of Way; more particularly described as a strip of land in Sections 11 and 12, Township 49 South, Range 27 East, Collier County, Florida, generally depicted on Schedule "1" attached hereto and made a part hereof, and more particularly described as follows:

All that drainage easement, 60 feet in width, commonly referred to as "C-1 Connector Canal Right of Way", lying along the South lines of Golden Gate Estates, Unit No. 48, Plat Book 5, Page 78 and Golden Gate Estates, Unit No. 51, Plat Book 5, Page 84. All plats recorded in Collier County, Florida, Public Records.

Section 2. The Governing Board of the South Florida Water Management District hereby un-adopts as a "Work of the District", portions of the Golden Gate Main Canal Right of Way; more particularly described as a strip of land in Sections 10 and 11, Township 49 South, Range 27 East, Collier County, Florida, generally depicted on Schedule "1" attached hereto and made a part hereof, and more particularly described as follows:

All that part of a drainage easement, 140 feet in width, commonly referred to as "Golden Gate Main Canal Right of Way", lying North of the South line of Golden Gate Estates, Unit No. 13, Plat Book 7, Page 72, Collier County, Florida, Public Records and South of the South top of bank of said Golden Gate Main Canal.

Section 3. The Governing Board of the South Florida Water Management District hereby un-adopts as a "Work of the District", portions of the Miller Canal Right of Way; more particularly described as a strip of land in Section 12, Township 49 South, Range 27 East and Sections 7, 18, 19 and 30 Township 49 South, Range 28 East, Collier County, Florida, generally depicted on Schedule "1" attached hereto and made a part hereof, more particularly described as follows:

All that part of a drainage easement 95 feet in width, commonly referred to as "Miller Canal Right of Way", lying North of the South line of Golden Gate Estates, Unit No. 51, Plat Book 5, Page 84, and Golden Gate Estates, Unit No. 82, Plat Book 5, Page 21 and South of the South top of bank of said Miller Canal; together with,

All that part of said drainage easement lying East of the West lines of said Golden Gate Estates, Unit No.82, Golden Gates Estates, Unit No. 87, Plat Book 5, Page 26, and Golden Gate Estates, Unit No. 88, Plat Book 5, Page 27, and West of the West top of bank of said Miller Canal and North of the South line of 28th Avenue SE. All plats recorded in Collier County, Florida, Public Records.

Section 4. All right of way permits issued pursuant to Chapter 40E-6, Florida Administrative Code with respect to the C-1 Connector Canal Right of Way, as well as portions of the Golden Gate Main Canal Right of Way and portions of the Miller Canal Right of Way, described in Sections 1, 2 and 3 above, shall be void and have no further force or effect.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2012.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

By: _____

Chair Person

ATTEST:

District Clerk/Secretary

Approved as to form:

By: _____

Office of Counsel